



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,402	10/28/1998	MARK J. BEACH	RO998-106	9872

30449 7590 01/16/2007  
SCHMEISER, OLSEN & WATTS  
22 CENTURY HILL DRIVE  
SUITE 302  
LATHAM, NY 12110

EXAMINER
----------

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
----------	--------------

2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claims 1, 8, 14, 23, 31, and 35 and dependent claims 2-6, 9-12, 15-21, 24-29, 32-34, and 37-49, but reversed all rejections against claims 7, 13, 22, 30, and 36 dependent thereon. There are no allowed claims in the application. The independent and dependent claims 1-6, 8-12, 14-21, 23-29, 31-35, and 37-49 are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claims 7, 13, 22, 30, and 36 in proper independent form to avoid ABANDONMENT of the application.

This amendment will require more than copying each dependent claim into their respective independent claim because: there is a small technical error in claims 7, 13, 22, and 30 where "the simulation browser adds a delay between image transmission portion of the prioritized graphics file" because parent claim claims image 197 which is sent to client and from the specification the simulation browser inserts the delay in image 187 but in the dependent claim "the prioritized graphics file" in view of parent claim is image 197 but should be image 187. Claim 36 has similar technical error because step F) should be repeating steps for image 187 but in view of parent claim the repeating is for image 197. Claim 36 has typo errors as well: at the end of step D) a semicolon is needed and step identifier "G)" should be deleted since there is no step "G)".

Another problem that needs to be addressed is claims 22 and 30 are program product claims and their parent claims also claim "signal bearing media" in their last line and specification at page 12 lines 17-25 discuss the signal bearing media as transmission type media which currently is not acceptable, note the interim guidelines, thus changing "signal bearing media" to "recordable type media" is suggested, see specification at page 12 lines 22-23, and amending the preamble to claim "computer program product encoded in recordable type media" is also suggested, see specification at page 10 lines 17-25 and at page 12 lines 17-23.

The specification at page 15 line 23 has typo error, "simulation browser 187" has a wrong reference number, it should be "186".

The simulation browser of the dependent claims is discussed in the specification at page 15 line 17 to age 16 line 10.

NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED.

Prosecution is otherwise closed.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2628

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier  
Primary Examiner  
Division 2628